

CIVIL COMPLAINT FORM TO BE USED BY A *PRO SE* PRISONER

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

James Dukes HX6976

Full Name of Plaintiff

Inmate Number

v.

Supt. Brattian

Name of Defendant 1

Dept. Gaurley

Name of Defendant 2

Dept. Wynder

Name of Defendant 3

Lt. Simpson

Name of Defendant 4

Sgt Taylor

Name of Defendant 5

(Print the names of all defendants. If the names of all defendants do not fit in this space, you may attach additional pages. Do not include addresses in this section).

Civil No. 1:21-CV-0037

(to be filled in by the Clerk's Office)

☒ Demand for Jury Trial

☐ No Jury Trial Demand

**FILED
SCRANTON**

JAN 08 2021

Per [Signature]
DEPUTY CLERK

I. NATURE OF COMPLAINT

Indicate below the federal legal basis for your claim, if known.

☒ Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)

☐ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)

☐ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

6. C.O. MORRIS

7. C.O. Kimmel

8. C.O. STORM

9. PSS Smith

10. Lt Connolly

11. Wm Styka

II. ADDRESSES AND INFORMATION

A. PLAINTIFF

DUKES James M

Name (Last, First, MI)

HX 6910

Inmate Number

SCI COAL TOWNSHIP

Place of Confinement

1 KENNY DRIVE

Address

COAL TOWNSHIP, PA 17866-1020

City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner

B. DEFENDANT(S)

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

Braithwaite

Name (Last, First)

SUPERINTENDENT

Current Job Title

1111 ALTAMONT BLVD

Current Work Address

FRANKLIN, PA 17931

City, County, State, Zip Code

Defendant 2:

GOURLEY

Name (Last, First)

DEPUTY

Current Job Title

111 ALHAMBRA BLVD

Current Work Address

FRACKVILLE, PA 17931

City, County, State, Zip Code

Defendant 3:

WYNDER

Name (Last, First)

DEPUTY

Current Job Title

111 ALHAMBRA BLVD

Current Work Address

FRACKVILLE, PA 17931

City, County, State, Zip Code

Defendant 4:

SIMPSON

Name (Last, First)

LIEUTENANT

Current Job Title

111 ALHAMBRA BLVD

Current Work Address

FRACKVILLE, PA 17931

City, County, State, Zip Code

Defendant 5:

TAYLOR

Name (Last, First)

SERGEANT

Current Job Title

111 ALHAMBRA BLVD

Current Work Address

FRACKVILLE, PA 17931

City, County, State, Zip Code

Defendant 6:

MORRIS

Correctional Officer

1111 Altamont BLVD

FRACKVILLE, PA 17931

Defendant 7:

Kimmel

Correctional Officer

1111 Altamont BLVD

FRACKVILLE, PA 17931

Defendant 8:

Storm

Correctional Officer

1111 Altamont BLVD

FRACKVILLE, PA 17931

Defendant 9:

Smith

Psychologist

1111 Altamont BLVD

FRACKVILLE, PA 17931

Defendant 10:

Connelly

Correctional Lieutenant

1111 Altamont BLVD

FRACKVILLE, PA 17931

Defendant II:

Styko

Unit Manager

1111 AHAMONT BLVD

FRANKVILLE, PA 17931

III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

- A. Describe where and when the events giving rise to your claim(s) arose.

See Attached Complaint

- B. On what date did the events giving rise to your claim(s) occur?

See Attached Complaint

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?)

See Attached Complaint

In The United States District Court
For The Middle District of Pennsylvania

James Dukes,

Plaintiff

v.

Civil Rights Complaint

Civil NO. _____

Jury Trial Demanded

Superintendent Britton,
Deputy Goulet, Deputy
Wyder, Lt Simpson, Sgt
Taylor, Unit Manager Sykes,
Lt. Connolly, PSS Smith, Co. Morris,
Co. Kimmel, Co. Storm

Defendants

Civil Rights Complaint

I. Introduction

This is a civil rights complaint Alleging deliberate indifference and failure to protect against the named defendants in violation of the Eighth Amendment to the United States Constitution's prohibition against cruel and unusual punishment. The named defendants in violation of Americans with Disabilities Act pursuant to 42 U.S.C. § 12101 Plaintiff has a dual disability.

II. Jurisdiction

This Honorable Court has jurisdiction to 42 U.S.C. 1983 and Alternately pursuant to

III PARTIES:

1. The Plaintiff is JAMES DUKES, an inmate housed at the State Correctional Institution at Coal Township located at 1 Kelley Drive Coal Township, PA 17866-1020.
2. Defendant BRITTON is employed as the Superintendent at the State Correctional Institution at FRACKVILLE. She is responsible for all Correctional officers and staff employed at FRACKVILLE. She is also responsible for the care, custody, and control for all inmates housed at FRACKVILLE. She is sued in her official and individual capacities.
3. Defendant GOURLEY is employed as the Deputy at the State Correctional Institution at FRACKVILLE. He is responsible for the Correctional officers and staff employed at FRACKVILLE. He is also responsible for the care, custody and control for all inmates housed at FRACKVILLE. He is sued in his official and individual capacities.
4. Defendant WYNDER is employed as the Deputy at the State Correctional Institution at FRACKVILLE. He is responsible for all the Correctional officers and staff employed at FRACKVILLE. He is also responsible for the care, custody, and control for all inmates housed at FRACKVILLE. He is sued in his official and individual capacities.

5. Defendant Simpson is employed as a Corrections Lieutenant at the State Correctional Institution at FRACKVILLE. He is responsible for the supervision of Corrections Officers assigned to work the Restricted Housing Unit. He is also responsible for the care, custody, and control for all inmates housed in the Restricted Housing Unit. He is sued in his official and individual capacities.
6. Defendant Taylor is employed as a Corrections Sergeant at the State Correctional Institution at FRACKVILLE. He is responsible for Corrections Officers working the Restricted Housing Unit. He is sued in his official and individual capacities.
7. Defendant Morris is employed as a Corrections Officer at the State Correctional Institution at FRACKVILLE. He is sued in his official and individual capacities.
8. Defendant Kimmel is employed as a Corrections Officer at the State Correctional Institution at FRACKVILLE. He is sued in his official and individual capacities.
9. Defendant Starn is employed as a Corrections Officer at the State Correctional Institution at FRACKVILLE. He is sued in his official and individual capacities.

10. Defendant Smith is employed as a Psychologist at the State Correctional Institution at FRACKVILLE. She is responsible for the mental health care and treatment for inmates housed in the Restricted Housing Unit at FRACKVILLE. She is sued in her official and individual capacities.
11. Defendant Connolly is employed as a Corrections Lieutenant at the State Correctional Institution at FRACKVILLE. He is responsible for all corrections officers in the Restricted Housing Unit and for the care, custody, and control of all inmates housed in the Restricted Housing Unit. He is sued in his official and individual capacities.
12. Defendant Styka is employed as a Unit Manager at the State Correctional Institution at FRACKVILLE. She is responsible for all corrections officers working the Restricted Housing Unit. She is sued in her official and individual capacities.

III FACTS:

13. On MAY 26, 2020 at approximately 5:00pm I told the C.O. that was working the phones on EA side in the Restricted Housing Unit that I was suicidal.

14. NURSE BILL CAME TO MY CELL DOOR (E A12) I TOLD HIM THAT I WAS SUICIDAL, NURSE BILL LEFT MY DOOR TO GO GET PSYCHIATRIST ORDERS SO I COULD BE PLACED INTO A PSYCHIATRIC OBSERVATION CELL (HEREIN POC CELL)
15. DEFENDANT SIMPSON CAME TO MY CELL (E A12) WITH 3 TO 4 OTHER OFFICERS AND TOLD ME TO CUFF UP AND I WAS ESCORTED TO THE POC INTAKE ROOM.
16. INSIDE THE POC INTAKE ROOM I REQUESTED TO SEE NURSE BILL TO SEE IF I HAD GOT PSYCHIATRIST ORDERS SO I COULD GET THE PROPER MENTAL HEALTH CARE AND TREATMENT.
17. I DENIED THE STRIP OUT PROCESS THATS WHEN DEFENDANT SIMPSON BECAME MAD ON CAMERA AND TOLD 3 TO 4 OFFICER TO COME WITH HIM.
18. WHEN DEFENDANT SIMPSON RETURNED HE STATED TO ME THAT HE WAS PLACING ME IN THE INTERMEDIATE RESTRAINT SYSTEM
19. I WAS THEN ESCORTED INTO THE T. CELL ON CAMERA AND MY CLOTHES WAS CUT OFF ME AND I WAS PLACED IN SHACKLES AROUND MY ANKLES AND A WAIST BELT AROUND MY WAIST AND HAND CUFFS AROUND MY WRIST WITH A A PAPER SMOCK ON MY BODY AND LEFT IN THE T. CELL WITH NO MATTRESS.

20. About twenty minutes after being in the cell nurse Bill came to my door and placed Psychiatrist orders on the outside of the T-cell door. Nurse Bill told me that the on call Psychiatrist placed me on one on one close watch and he didn't know why I was in the Restraint System.

21. On May 27, 2020 at approximately 7:15 AM Psychiatrist Dempsey discharged me from the POC, but I remained in the Restraint System.

22. On May 27, 2020 at 4:50 PM Defendant Simpson came to the T-cell with 4 other officers and removed the restraints on camera. I was given a pair of underwear and shoes and was escorted through the Behavior Modification Unit and outside half naked back to the Restricted Housing Unit and placed back into EA12 cell with nothing inside the cell but a metal bunk and toilet.

23. I repeatedly called Defendants Storm, Morris, and Kimmel to my cell EA12 asking them for a mattress and my cell contents.

24. At 9:00 PM I asked Defendant Morris again for a mattress and he ignored me.

25. Minutes later defendants Simpson and Morris came back to my cell (EA12) and defendant Simpson placed a smock blanket inside my secure slot. I then asked defendant Simpson where is my mattress" He replied this is all you get" I then said to defendant Simpson I want a mattress and denied the blanket. Defendant Morris and Simpson then left my door.

26. On the night of May 27, 2020 I was forced to sleep on a metal bunk.

27. On May 28, 2020 at 6:20 AM I called C.O. Warren to my door (EA12) and showed him the inside of my cell and told him I need to see medical and a Lieutenant.

28. Nurse Dan came to my cell. I showed him the inside of my cell and asked him to file a incident report and I would like to be evaluated. He left my cell.

29. Lieutenant Hannah came to my cell. I showed him my cell and he just left.

30. On May 28, 2020 at approximately 9:20 AM Defendants Britian, Gourley, Wynder, Connolly, Styka and Smith made their weekly round in the Restricted Housing Unit. I called all defendants to my cell (EA12) and showed them my cell and told them I had to sleep on

a metal bunk last night, All defendants just left the unit.

31. Defendant Smith came back to my cell after requesting to see her. I asked on May 28, 2020 could she file incident reports and have pictures taken of my cell because this is abuse and I am mentally distraught after having to sleep on a metal bunk.

32. Defendant Connolly came back to my door on May 28, 2020 and I ask him did I want a mattress, I told him yes, but I would like for him to file incident reports and take pictures of my cell, he laughed in my face and left my door.

33. On May 28, 2020 around 2:20 pm Defendant Simpson came to my cell (EA12) and shook my door and asked me how did I sleep last night.

34. On May 28, 2020 I repeatedly asked defendants Simpson, Taylor, Kimmel and Morris for a mattress, clothes and my cell contents but was ignored.

35. On May 28, 2020 at 9:50 pm Defendant Taylor made his last round and stopped at my cell door (EA12) and stated to me we going to give you a mattress, T-shirt and smock blanket and asked me was

I going to do anything stupid cause he was trying to go home on time.

36. Defendant Taylor made his last round then came back to my cell and said to me defendant Simpson said dont give you anything

37. I then told defendant Taylor I was suicidal so I wouldnt have to sleep on a metal bunk again another night.

38. So the 10-6 officer Lawton stood in front of my cell door (EA12) with a camera for at least 50 minutes recording me and my cell because I made officer suit up and use OC spray and cell extract me just to get my cell conditions on video.

IV Constitutional Violations

39. Defendants Britton, Gourey, Wynder, Simpson, Taylor, Kimmel, Storm, Morris, Styka, Smith, and Connolly were all deliberately indifferent when they denied and deprived me of a basic human need, and or failed to protect me from the violation of my Constitutional rights. All defendants violated my Eighth Amendment to the United States Constitution, that prohibition of cruel and unusual Punishment and

Also protects my rights to safe and humane condition.

40. Defendants Britian, Gouley, Wynder, Simpson, Taylor, Kimmel, Storm, Morris, Styka, Smith and Connolly all violated my rights pursuant to AMERICANS WITH DISABILITIES ACT 42 U.S.C. § 12101 that CAUSED ME SEVERE LOWER BACK PAIN AND ALSO PSYCHOLOGICAL DAMAGE TO MY ALREADY UNTREATED PTSD. I ALSO HAVE HAVE A PARALYZED RIGHT ARM.

41. All named defendants intentionally and deliberately committed these acts and conduct and violated my rights by Retaliating against me for filing a previous lawsuit against officers in the Restricted Housing Unit for having me on the top bunk when I WAS BOTTOM bunk status and I fell from the top bunk INJURING MYSELF.

VI DAMAGES

42. **I** SEEK A DECLARATORY JUDGEMENT against each defendant stating that they violated my civil rights by depriving me a mattress and forcing me to sleep on a metal bunk which directly caused my injuries and psychological harm.

43. An award of \$ 50,000.00 issued against each defendant
44. Punitive damages in the amount of \$ 25,000.00 against each defendant.
45. Any additional relief determined by the court.

Respectfully Submitted
James Duke
James Dukes HX60976

IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

SEE ATTACHED COMPLAINT

V. INJURY

Describe with specificity what injury, harm, or damages you suffered because of the events described above.

SEE ATTACHED COMPLAINT

VI. RELIEF

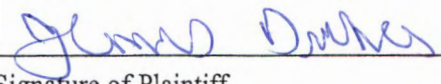
State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

SEE ATTACHED COMPLAINT

VII. SIGNATURE

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.



Signature of Plaintiff



Date

JAMES DUKES AX 6070
Sui Coal Township
1 Kelley Drive
Coal Township, PA 17866-1020

RECEIVED
SCRANTON

JAN 08 2021

PEH

[Signature]
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